

APPEAL NO. 032361
FILED OCTOBER 27, 2003

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing was held on August 18, 2003. The hearing officer determined that the respondent (claimant) sustained a compensable ("bruises and possible sprains") injury on _____, and that the claimant had disability from May 22 through August 14, 2003.

The appellant (carrier) appealed certain of the determinations, contending that since the hearing officer found the medical evidence "to be not credible," then those records "can not [sic] support a finding of injury," and that the hearing officer's findings of "possible sprains . . . do not equate to a legal finding of an injury." The claimant responds, urging affirmance.

DECISION

Affirmed.

The claimant, an "outside order man," testified how he was disconnecting a meter on _____, when three large dogs began chasing him and he dove into the bed of his truck to escape the dogs, landing on some tools. The hearing officer, in her Statement of the Evidence, comments that, "many of the medical records . . . are not credible"; and the claimant did appear credible that he at least sustained some bruises and "possible sprains to his body." The carrier hones in on this commentary to assert that the medical records then "can not [sic] support a finding of injury."

The Appeals Panel has many times noted that the hearing officer is the sole judge of the weight and credibility of the evidence and as the fact finder, resolves conflicts in the evidence and determines what facts have been established. We have further noted that as a general rule, in workers' compensation cases, the issues of injury and disability may be established by the testimony of the claimant alone, if found credible by the trier of fact. Houston General Insurance Company v. Pegues, 514 S.W.2d 492 (Tex. Civ. App.-Texarkana 1974, writ ref'd n.r.e.). In this case, the hearing officer's determinations are supported by sufficient evidence and are not so against the great weight and preponderance of the evidence as to be clearly wrong or manifestly unjust. Cain v. Bain, 709 S.W.2d 175, 176 (Tex. 1986).

The hearing officer's decision and order are affirmed.

The true corporate name of the insurance carrier is **UNITED STATES FIRE INSURANCE COMPANY** and the name and address of its registered agent for service of process is

**PAUL DAVID EDGE
6404 INTERNATIONAL PARKWAY, SUITE 1000
PLANO, TEXAS 75093.**

Thomas A. Knapp
Appeals Judge

CONCUR:

Elaine M. Chaney
Appeals Judge

Edward Vilano
Appeals Judge